

From: [Chuck Pillon](#)
To: [Leefers, Kristin](#)
Cc: [Hladick, Christopher](#); [Corey Parker](#); [Harish Bharti](#)
Subject: Re: EPA assessment and cleanup at your property
Date: Monday, October 22, 2018 1:27:11 PM
Attachments: [Consent for Access Form - Pillon.pdf](#)

Hello Again Kris....

As I noted recently I am proceeding to take this whole mess to the desk of Andy Wheeler...and Chris Hladick so to speed up the process. I realize the decision-making here is likely going to have to occur at upper EPA strata. But I do appreciate your good humor all along the way...and feel I should keep the record clear with you also.

I have read the 42 USC stuff...and I believe serious reconsideration is necessary at EPA...and I will get into that in a moment. However...you inform me that the primary reason you have belatedly decided to deny me continuing EPA cooperation in the provision for owner clean-up is based on certain Orders from a Court who earlier had jurisdiction over certain other aspects of this case...namely the criminal charges brought by certain agencies of the State of Washington. This was not an action brought by the U S EPA...and was not tried in a Federal Court. EPA has been a witness in that trial...but has no authority...either to enforce those Orders...or punish me for lawfully appealing those Orders.

Just FYI...I argue that those Orders are ipso facto unlawful. That Court convicted me of creating "IMMINENT DANGER" on my property. AND I MUST NOTE AGAIN...ALL THE WITNESSES AT TRIAL INFORMED THE COURT THAT THEY HAD IDENTIFIED NO SUCH FACTORS! THIS VERY CERTAINLY INCLUDED YOUR OWN JEFF FOWLOW...ON TWO RECORDED OCCASIONS. IN EFFECT I WAS CONVICTED OF A CRIME THE STATE'S WITNESSES SAID NEVER OCCURRED! This of course was matched by other "curious decisions" the Court made. Which of course all are under appeal.

The Court accepted my proposition that the EPA oversee the clean-up...which I had already begun under EPA guidelines. Then the Court ordered me NOT to continue to correct those conditions in the previously approved lawful manner that EPA describes. Clearly this is an unlawful order. All agencies that deal with environmental issues have clear provisions that any "IMMINENT DANGER" MUST BE PROMPTLY CLEANED-UP...UNDER ADDITIONAL PENALTY IF A RESPONSIBILITY FAILS TO DO SO. SO YOU SEE IT IS MY POSITION THAT IN ORDERING TO CEASE THE ONGOING CLEAN-UP I WAS CONDUCTING UNDER EPA GUIDELINES THAT COURT WAS ORDERING ME TO BREAK THE LAW! SHE CANNOT DO THAT! ACCORDINLY I HAVE CONTINUED THAT LAWFUL EFFORT...AND I HAVE A PLETHORA OF RECEIPTS AND WITNESS ACCOUNTS AVAILABLE WHEN THEY ARE NEEDED. LATELY THE COURT HAS NOT BEEN TOO BOTHERED WITH MY CLEAN-UP.

The ironic fact if she is again prompted by the prosecutor and calls a hearing...I will be relying on EPA procedural documents and more testimony from Jeff and perhaps others at EPA to carry my case. And this is additional reason I believe...that EPA should proceed carefully so as not to make the agency a party to future action. So you see that those "ORDERS" fall squarely in the regimen of my actions to contest the whole of the trial Court's curious findings and related actions. EPA should not intrude any further.

Now...as to the issues that USC 42 9604 Sec 104 raise let me offer the following. 104 says the EPA "can do certain things"..... to do the clean-up But in 106 it also says the EPA "CAN ORDER" OR "ASK A COURT TO ORDER" a "RESPONSIBLE PERSON" to do the clean-up...and so on.

Kris...I have been aware of this provision since shortly after "THE GREAT RAID" back in Feb 2016... (NEARLY THREE YEARS NOW)...and have proceeded accordingly...and I have discussed it with Jeff on at least three occasions in the interim. Jeff has never notified me that I do not qualify for this provision...nor ordered any other intervention by EPA. Now in the preliminary sense at least...I am well

into the 80 percentile of the original concerns Jeff laid out.

I BELIEVE THEN...THAT THERE IS A DE FACTO EPA APPROVED CLEAN-UP ACTION IN CONTINUING PROGRESS...AND FOR EPA TO UNILATERALLY ABORT THIS APPROVAL WITHOUT A HEARING...IS A DUE PROCESS VIOLATION. SO I INVITE EPA AGAIN...LETS GO BACK TO THE PROPER COURSE HERE. YOU ARE WELL AWARE THAT I HAVE NEVER FAILED TO COOPERATE IN LEGITIMATE EPA CONCERNS...AND THAT WILL CONTINUE TO BE THE CASE...SO LONG AS EPA DOES NOT DRAG THIS MATTER ALONG TO AN IMPASSE.

Two final things...as you have "studied" those Court Orders...note that there was even there a provision for me to clean-up using appropriate means and waste disposal services. This is exactly what I did. The prosecution simply feared I would complete the effort before they were able to compound it to my further penalization. Marlow told me as much.

On Wednesday, October 3, 2018 02:38:29 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due

to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pilon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

M/S: ORC-113

Seattle, Washington 98101

206-553-1532

leefers.kristin@epa.gov

This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.